

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

Leslie **HOXIT**,

Plaintiff,

v.

Kilolo **KIJAKAZI**,
Acting Commissioner of Social Security,

Defendant.

ORDER FOR ATTORNEY'S FEES
under
THE EQUAL ACCESS TO JUSTICE ACT

No: 1:21-00001-GCM

ORDER

Pursuant to the power of this court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and in light of this court's January 10, 2022 Judgment remanding this case to Defendant Acting Commissioner for further administrative proceedings and the parties Consent Motion,

IT IS HEREBY ORDERED that the Defendant pay \$2,511.63 in attorney fees in accordance with 28 U.S.C § 2412(d) in full satisfaction of any and all claims Plaintiff may have in this case under the Equal Access to Justice Act. Additionally, Plaintiff shall be paid \$423.15 in costs from the Judgment Fund by the U.S. Department of the Treasury pursuant to 28 U.S.C. §2412(a)(1). Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 1251 (2010), these attorney fees are payable

to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any preexisting debt Plaintiff may owe to the United States Government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the United States that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to his counsel.

Signed: February 14, 2022

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

